

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ryan Daniel Mehaffy,

Case No. 23-CV-1182 (KMM/DJF)

Plaintiff,

v.

ORDER

Warden T. Thomas,

Defendant.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Dulce J. Foster, dated June 15, 2022. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, in recommending that the petition be denied as moot because Mr. Mehaffy has been released. However, finding that a case is moot is a determination regarding subject-matter jurisdiction. *Biron v. Carvajal*, No. 19-cv-2938-SRN-LIB,

2020 WL 5812970, at *7 (D. Minn. Sept. 30, 2020) (citing *Charleston Hous. Auth. v. U.S. Dep't of Agric.*, 419 F.3d 729, 739 (8th Cir. 2005)). As a result, the Court concludes that it is more proper to dismiss this action without prejudice. “A district court is generally barred from dismissing a case with prejudice if it concludes subject matter jurisdiction is absent.” *Cnty. of Mille Lacs v. Benjamin*, 361 F.3d 460, 464–65 (8th Cir. 2004). Therefore, the Court accepts the R&R with that modification.

IT IS HEREBY ORDERED:

1. Mr. Mehaffy’s Petition [Dkt. No. 1] and Motion for Expedited Ruling [Dkt. No. 9] are **DENIED** as moot.
2. This matter is **DISMISSED** without prejudice.

Let Judgment Be Entered Accordingly.

Date: **August 18, 2023**

s/ Katherine M. Menendez
Katherine M. Menendez
United States District Judge